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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,473	12/23/2003	Thomas Sean Houlihane	550-499	8029

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EXAMINER

WALLING, MEAGAN S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/743,473

Applicant(s)

HOULIHANE, THOMAS SEAN

Examiner

Meagan S. Walling

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/18/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 18, 22-28, 31, 42 and 46 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-17, 19-21, 29, 30, 32-41, 43-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7, 18, 22-28, 31, 42, and 46 are finally rejected under 35 U.S.C. 102(e) as being anticipated by Burgun et al. (US 2004/0111252).

Regarding claim 1, Burgun et al. teaches receiving configuration data used to configure the representation of the device (par. 28); and generating the testbench with reference to the configuration data and a first set of templates defining the test environment (par. 32).

Regarding claim 2, Burgun et al. teaches generating the representation of the device with reference to the configuration data and a second set of templates defining the representation of the device (par. 29).

Regarding claim 3, Burgun et al. teaches providing a processing tool having access to the configuration data and the first and second sets of templates, the steps (b) and (c) being performed by the processing tool (par. 78).

Regarding claim 4, Burgun et al. teaches that the processing tool is operable independent of a language produces by the processing tool from each template (par. 150).

Regarding claim 7, Burgun et al. teaches that the device is a bus interconnect block (par. 88).

Regarding claim 18, Burgun et al. teaches that the representation of the device is formed from constituent blocks and the second set of templates defines the representation of the device and its constituent blocks (par. 14).

Regarding claim 22, Burgun et al. teaches a computer program produce comprising code portions operable to control a computer to perform the method (par. 1).

Regarding claim 23, Burgun et al. teaches receiving a configuration data specifying predetermined attributes of the one or more components (par. 28); employing a processing tool to generate the testbench with reference to the configuration data and a first set of templates defining the test environment (par. 32); and employing the processing tool to generate the representation of the device with reference to the configuration data and a second set of templates defining the representation of the device (par. 29).

Regarding claim 24, Burgun et al. teaches a computer program comprising code portions operable to control a computer to perform the method (par. 1).

Regarding claim 25, Burgun et al. teaches logic operable to read the configuration data used to configure the representation of the device (par. 28); and generation logic operable to generate the testbench with reference to the configuration data and a first set of templates defining the test environment (par. 32).

Regarding claim 26, Burgun et al. teaches that the generation logic is further operable to generate the representation of the device with reference to the configuration data and a second set of templates defining the representation of the device (par. 29).

Regarding claim 27, Burgun et al. teaches a processing tool having access to the configuration data and the first and second sets of templates, the generation logic being provided by the processing tool (par. 78).

Regarding claim 28, Burgun et al. teaches that the processing tool is operable independent of a language provided by the processing tool from each template (par. 150).

Regarding claim 31, Burgun et al. teaches that the device is a bus interconnect block (par. 88).

Regarding claim 42, Burgun et al. teaches that the representation of the device is formed from constituent blocks and the second set of templates defines the representation of the device and its constituent blocks (par. 14).

Regarding claim 46, Burgun et al. teaches a logic operable to read a configuration data specifying predetermined attributes of the one or more components (par. 28); a processing tool operable to generate the testbench with reference to the configuration data and a first set of templates defining the test environment (par. 32); and the processing tool further being operable to generate the representation of the device with reference to the configuration data and a second set of templates defining the representation of the device (par. 29).

***Allowable Subject Matter***

Claims 5, 6, 8-17, 19-21, 29, 30, 32-41, and 43-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2863

The following is a statement of reasons for the indication of allowable subject matter:

Please see previous office action for reasons for allowance.

### ***Response to Arguments***

Applicant's arguments filed 8/18/05 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Although it is appreciated that applicant explained the invention with respect to the background and specification and the ways in which the perceived invention differs from the cited prior art (Burgun et al., US 2004/00111252), the invention as described has not been claimed. Rather, the claimed invention is much broader than the invention described by applicant in the arguments and in the specification. Therefore, although Burgun et al. may not teach every aspect of the invention in the specification, the art reads on the invention as claimed as described in the above rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2863

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S. Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw

**BRYAN BUI**  
**PRIMARY EXAMINER**

